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Attorneys for Defendant
FABIAN GARCIA-PALACIO

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
FABIAN GARCIA-PALACIO
Defendant.

Case No. 1:21-cr-00119-JLT-SKO

**DEFENDANT'S MOTION TO MODIFY THE
ORDER EXONERATING BOND; AND
ORDER**

Judge: Hon. Barbara A. McAuliffe

On February 2, 2022, Fabian Garcia-Palacio moved the Court, pursuant to Fed. R. Crim. P. 46(g), for exoneration of the cash bond and full reconveyance of the \$2,000.00 cash posted by Perla Palacio. *See*, Dkt. #72. The Honorable U.S. Magistrate Judge Barbara A. McAuliffe granted that motion. *See*, Dkt. #73:

02/02/2022	73	ORDER GRANTING 72 Motion to Exonerate Bond, signed by Magistrate Judge Barbara A. McAuliffe on 02/02/22 as to Fabian Garcia-Palacio (1). (Maldonado, C) (Entered: 02/02/2022)
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The motion requested that the cash bond be reconveyed to Perla Palacio, as undersigned counsel had been given assurances that Ms. Palacio had in fact posted the bond on Mr. Garcia-Palacio's behalf.

Thereafter, undersigned counsel was informed by the Clerk's Office that while Perla

1 Palacio did sign the appearance and compliance bond paperwork, their records did not show Ms.
2 Palacio to be the owner of the posted cash bond. Instead, the Clerk's Office records indicate that
3 the statement of ownership for the cash bond lists Jose Garcia. The Clerk's Office requires a
4 modified order from the court to release the cash bond to Jose Garcia.

5 Respectfully submitted,
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7 HEATHER E. WILLIAMS
8 Federal Defender

9 Date: February 3, 2022

10 /s/ Benjamin Gerson
11 BENJAMN GERSON
Assistant Federal Defender
Attorney for Defendant
FABIAN GARCIA-PALACIO

12
13 **ORDER**

14 IT IS HEREBY ORDERED that the Order Exonerating Bond issued on February 2, 2022
15 (Dkt. #73) be modified to state that the Clerk of the Court exonerate the \$2,000.00 cash bond in
16 the above-captioned case and reconvey the cash to Jose Garcia.

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18 IT IS SO ORDERED.

19 Dated: February 3, 2022

20 /s/ Barbara A. McAuliffe
21 UNITED STATES MAGISTRATE JUDGE

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